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C O N F I D E N T I A L JAKARTA 000143

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, EAP/RSP

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TAGS: [PGOV](#) [MARR](#) [KJUS](#) [ID](#)

SUBJECT: MILITARY JUSTICE REFORM -- LEGISLATURE REVIEWS BILL

Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

¶1. (C) SUMMARY: Proponents of the military justice reform bill are considering whether to push for the bill's passage before Indonesia move toward elections. The bill, an initiative of the national legislature (DPR), would make the Indonesian military (TNI) subject to the civilian justice system in non-military cases.

¶2. (C) SUMMARY (Con'd): The GOI says it is pro-reform and there is widespread agreement that reform of the current system is a necessity. But the military's position that it retain control of investigations has blocked consensus, and discussions continue. The effort toward reform may have to wait until passage of a broader national security bill. END SUMMARY.

SITREP ON THE REFORM BILL

¶3. (C) Indonesia's Parliament is examining an important military reform bill. Poloff met January 20 with Andreas Pereira, a member of the Indonesian Party of Democratic Struggle (PDI-P) and of the DPR's Commission I, which deals with foreign and security affairs. Pereira is the drafter and main proponent of a bill to make Indonesia's military subject to civilian trials for non-military crimes. GOI officials have also briefed Mission about the bill.

KEY ISSUE IS CONTROL OF INVESTIGATIONS

¶4. (C) The Indonesian military has underscored its commitment to reform and to its support for the application of justice by civilian courts for crimes committed outside of the military sphere. Pereira, however, confirmed press reports that the draft was currently hung up over a single key issue: the Indonesian military's view that it should be responsible for the investigation of non-military crimes committed by soldiers. This would keep investigations in the hands of the military police. Human rights activists and parliamentary proponents of reform have expressed dissatisfaction with this position because it would give the military too much control in the investigative phase.

¶5. (C) While noting that he supports reform, MinDef Sudarsono has endorsed the TNI's position. Widodo (one name only), the Coordinating Minister for Politics, Law and Security, which oversees the Defense Ministry, has not opposed Sudarsono's perspective. In the meantime, discussions on the bill continue.

WINDOW FOR PASSAGE CLOSING (FOR NOW)

¶6. (C) The window of opportunity for passage of the bill during the current session is rapidly closing. Although DPR

incumbents will retain their seats until the new session is inaugurated in October, the session ends in March (the legislative elections take place in early April). Given the time constraints, Pereira said he believed he only had another month or so left to get the bill passed during this session. If he waited for the new legislature to sit, he would have to start over with a new committee and DPR.

MAY HINGE ON BROADER NATIONAL SECURITY REFORM

17. (C) If Pereira pushes forward, the chances of reform at this point would seem to be fifty-fifty at best. There seems to be a consensus that reform needs to happen, but agreement on the timing and exact modalities is still lacking. In taking its position re investigations, the military seems to be signaling a distrust of the police, a mere eight years after the police were separated from the military. More time may be needed to build the necessary trust between the two organizations. There is general support for a broader national security bill that would more clearly delineate lines of authority, thereby building confidence.

HUME